# UNITED STATES DISTRICT COURT
for the
Southern District of Illinois

Francis Schaeffer Cox

Plaintiff/Petitioner(s)

v.

Executive Office for US Attorneys
Bureau of Alcohol, Tobacco, and, Firearms
Federal Bureau of Investigation

Defendant/Respondent(s)

Case Number: 17-611-DRH-RJD
(Clerk's Office will provide)

☐ CIVIL RIGHTS COMPLAINT
pursuant to 42 U.S.C. §1983 (State Prisoner)

☐ CIVIL RIGHTS COMPLAINT
pursuant to 28 U.S.C. §1331 (Federal Prisoner)

☒ CIVIL COMPLAINT
pursuant to the Federal Tort Claims Act, 28 U.S.C. §§1346, 2671-2680, or other law

Freedom Of Information Act
5 USC §552, 552a

I. JURISDICTION

Plaintiff:

A. Plaintiff's mailing address, register number, and present place of confinement.

Francis Schaeffer Cox #16179-006
USP-Marion
PO Box 1000
Marion, IL 62959

Defendant #1:

B. Defendant Executive Office of US Attorneys is employed as
(a) (Name of First Defendant)

Agency of the US Federal Government
(b) (Position/Title)

with US Federal Government
(c) (Employer's Name and Address)
600 E St, NW Suite 7300
Washington, DC 20530-0001

At the time the claim(s) alleged this complaint arose, was Defendant #1 employed by the state, local, or federal government? ☒ Yes ☐ No

If your answer is YES, briefly explain:
Defendant is an agency of the federal government.

Defendant #2:

C. Defendant Bureau of Alcohol, Tobacco, and, Firearms is employed as
(Name of Second Defendant)

Agency of the US Federal Government
(Position/Title)

with US Federal Government
(Employer's Name and Address)
99 New York Ave, NE Room 4.E-301
Washington, DC 20226

At the time the claim(s) alleged in this complaint arose, was Defendant #2 employed by the state, local, or federal government? ☒ Yes ☐ No

If you answer is YES, briefly explain:
Defendant is an agency of the federal government.

Additional Defendant(s) (if any):

D. Using the outline set forth above, identify any additional Defendant(s).

Federal Bureau of Investigation
170 Marcel Dr
Winchester, VA 22602-4483

II. PREVIOUS LAWSUITS

A. Have you begun any other lawsuits in state or federal court relating to your imprisonment? ☒ Yes ☐ No

B. If your answer to "A" is YES, describe each lawsuit in the space below. If there is more than one lawsuit, you must describe the additional lawsuits on another sheet of paper using the same outline. Failure to comply with this provision may result in summary denial of your complaint.

1. Parties to previous lawsuits:
   Plaintiff(s):
   Prior FOIA Lawsuit: Francis Cox, Plaintiff
   Prior 1983 Lawsuit: Francis Cox, Plaintiff

   Defendant(s):
   FOIA: Department of Justice
   1983: William True, et al

2. Court (if federal court, name of the district; if state court, name of the county):
   Both: Southern District of Illinois
3. Docket number:
   FOIA: 15-cv-1233-JPG; 1983: 17-cv-338-JPG
4. Name of Judge to whom case was assigned:
   J Phil Gilbert
5. Type of case (for example: Was it a habeas corpus or civil rights action?):
   FOIA, and, 1983/Bivens/APA

6. Disposition of case (for example: Was the case dismissed? Was it appealed? Is it still pending?):
   FOIA: settled favorably, and, voluntary dismissal
   1983: pending PLRA screen
7. Approximate date of filing lawsuit:
   FOIA: early 2016; 1983: 3/30/2017
8. Approximate date of disposition:
   FOIA: 5/31/2017; 1983: pending

III. GRIEVANCE PROCEDURE

A. Is there a prisoner grievance procedure in the institution? ☒ Yes ☐ No

B. Did you present the facts relating to your complaint in the prisoner grievance procedure? ☐ Yes ☒ No

C. If your answer is YES,
1. What steps did you take?

-

2. What was the result?

-

D. If your answer is NO, explain why not.

Prisoner grievance procedures are not appropriate for FOIAs to other agencies. FOIA exhaustion attached.

E. If there is no prisoner grievance procedure in the institution, did you complain to prison authorities? ☐ Yes ☒ No

F. If your answer is YES,
1. What steps did you take?

-

2. What was the result?

-

G. If your answer is NO, explain why not.

Not appropriate.

H. Attach copies of your request for an administrative remedy and any response you received. If you cannot do so, explain why not:

attached

Francis Schaeffer Cox
16179006
US PENITENTIARY CMU
PO BOX 1000
MARION, IL 62959

DAVID M. HARDY
Section Chief
Records/Information Dissemination
Records Managment Division
Federal Bureau of Investigation
170 Marcel Dr
Winchester, VA 22602-4483

February 15, 2017

RE: FOIA/ PRIVACY ACT

My name is Schaeffer Cox. I am requesting the following documents persuant to the FOIA/ Privacy Act. I do not wish to reduce the scope of the request. I agree to pay all costs. A cerificate of identiy is attached. Please provide the requested documents within 20 days as required.

Please provide:

Any and all documents bearing my name, making reference to me, or that are in any way crossreferenced to me.

For the purpose of this request, please search all variations of my name including: Francis August Schaeffer Cox, F. A. Schaeffer Cox, Francis Cox, Francis S. Cox, Schaeffer Cox, F. Schaeffer Cox, etc.

Thank You,

Schaeffer Cox

U.S. Department of Justice

Federal Bureau of Investigation
Washington, D.C. 20535

March 8, 2017

MR. FRANCIS AUGUST SCHAEFFER COX
**16179-006
USP MARION
POST OFFICE BOX 1000
MARION, IL 62959

FOIPA Request No.: 1368413-000
Subject: COX, FRANCIS AUGUST SCHAEFFER

Dear Mr. Cox:

This acknowledges receipt of your Freedom of Information/Privacy Acts (FOIPA) request to the FBI.

- [x] Your request has been received at FBI Headquarters for processing.
- [ ] Your request has been received at the ______ Resident Agency / _______ Field Office and forwarded to FBI Headquarters for processing.
- [ ] The subject of your request is currently being processed for public release. Documents will be released to you upon completion.
- [ ] Release of responsive records will be made to the FBI's FOIA Library (The Vault), http:/vault.fbi.gov, and you will be contacted when the release is posted.
- [ ] Your request for a fee waiver is being considered and you will be advised of the decision at a later date. If your fee waiver is denied, you will be charged fees in accordance with the category designated below.
- [x] For the purpose of assessing fees, we have made the following determination:
  - [ ] As a commercial use requester, you will be charged applicable search, review, and duplication fees in accordance with 5 USC § 552 (a)(4)(A)(ii)(I).
  - [ ] As an educational institution, noncommercial scientific institution or representative of the news media requester, you will be charged applicable duplication fees in accordance with 5 USC § 552 (a)(4)(A)(ii)(II).
  - [x] As a general (all others) requester, you will be charged applicable search and duplication fees in accordance with 5 USC § 552 (a)(4)(A)(ii)(III).

Please check the status of your FOIPA request at www.fbi.gov/foia by clicking on **FOIPA Status** and entering your FOIPA Request Number. Status updates are adjusted weekly. The status of newly assigned requests may not be available until the next weekly update. If the FOIPA has been closed the notice will indicate that appropriate correspondence has been mailed to the address on file.

For questions regarding our determinations, visit the www.fbi.gov/foia website under "Contact Us." The FOIPA Request number listed above has been assigned to your request. Please use this number in all correspondence concerning your request. Your patience is appreciated.

You may file an appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, Suite 11050, 1425 New York Avenue, NW, Washington, D.C. 20530-0001, or you may submit an appeal through OIP's FOIAonline portal by creating an account on the following web site: https://foiaonline.regulations.gov/foia/action/public/home. Your appeal must be postmarked or electronically transmitted within ninety (90) days from the date of this letter in order to be considered timely. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal." Please cite the FOIPA Request Number assigned to your request so that it may be easily identified.

You may seek dispute resolution services by contacting the Office of Government Information Services (OGIS) at 877-684-6448, or by emailing ogis@nara.gov. Alternatively, you may contact the FBI's FOIA Public Liaison by emailing foipaquestions@ic.fbi.gov. If you submit your dispute resolution correspondence by email, the subject heading should clearly state "Dispute Resolution Services." Please also cite the FOIPA Request Number assigned to your request so that it may be easily identified.

Sincerely,

David M. Hardy
Section Chief,
Record/Information
Dissemination Section
Records Management Division

ATF 6th-cll
FOIA# 2017-0485

Francis Schaeffer Cox
16179006
US PENITENTIARY CMU
PO BOX 1000
MARION, IL 62959

BATF & E FOIA/PA
STEPHANIE BROUCHER
99 New York Ave. N. E.
Room 4.E-301
Washington, D.C. 20226

February 15, 2017

#2017-0485

RE: FOIA/ PRIVACY ACT

My name is Schaeffer Cox. I am requesting the following documents persuant to the FOIA/ Privacy Act. I do not wish to reduce the scope of the request. I agree to pay all costs. A cerificate of identiy is attached. Please provide the requested documents within 20 days as required.

Please provide:

Any and all documents bearing my name, making reference to me, or that are in any way crossreferenced to me.

For the purpose of this request, please search all variations of my name including: Francis August Schaeffer Cox, F. A. Schaeffer Cox, Francis Cox, Francis S. Cox, Schaeffer Cox, F. Schaeffer Cox, etc.

Thank You,

Schaeffer Cox

U.S. Department of Justice

Bureau of Alcohol, Tobacco,
Firearms and Explosives

www.atf.gov

March 15, 2017

REFER TO: 2017-0485

Mr. Francis Schaeffer Cox
16179-006
P.O. Box 1000
US Penitentiary Cmu
Marion, IL 62959-7500

Dear Mr. Cox:

This responds to your Freedom of Information Act ("FOIA")/Privacy Act request dated February 15, 2017, and received by the Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATF") on March 13, 2017, in which you requested records concerning you. Your request has been assigned number 2017-0485. Please refer to this number on any future correspondence.

You have requested records pertaining to yourself. Therefore, you will need to verify your identity as required by Department regulation 28 C.F.R. § 16.41(d). Specifically, if you would like this Office to process your request and search for responsive records in this Office, you will need to either (1) return a completed Form DOJ-361, *Certification of Identity,* to this Office, or (2) provide a statement notarized or under penalty of perjury pursuant to 28 U.S.C. § 1746, indicating your full name, place of birth, date of birth, and current address.

Please return either the Form DOJ-361 or your notarized statement, along with your request, to the Disclosure Division. You may mail your documents to 99 New York Avenue, NE, Room 4E-301, Washington, DC 20226. You may also fax your documents to (202) 648-9619. Additionally, you may send any documentation to foiamail@atf.gov. Please include the assigned case number in your email.

In light of these circumstances, I am administratively closing your request in this Office.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. *See* 5 U.S.C. § 552(c). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

Mr. Francis Schaeffer Cox

You may contact our FOIA Public Liaisons, Darryl Webb or Johnny Rosner, at (202) 648-7390, for any further assistance and to discuss any aspect of your request. Additionally, you may contact the Office of Government Information Services ("OGIS") at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

If you are not satisfied with my response to this request, you may administratively appeal by writing to the Director, Office of Information Policy ("OIP"), United States Department of Justice, Suite 11050, 1425 New York Avenue, NW, Washington, DC 20530-0001, or you may submit an appeal through OIP's FOIAonline portal by creating an account on the following web site: https://foiaonline.regulations.gov/foia/action/public/home. Your appeal must be postmarked or electronically transmitted within 90 days of the date of my response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal."

Sincerely,

Stephanie M Boucher

Stephanie M. Boucher
Chief, Disclosure Division

Enclosure

Francis Schaeffer Cox
16179006
US PENITENTIARY CMU
PO BOX 1000
MARION, IL 62959

BATF & E FOIA/PA
STEPHANIE BROUCHER
99 New York Ave. N. E.
Room 4.E-301
Washington, D.C. 20226

February 15, 2017

#2017-0485

RE: FOIA/ PRIVACY ACT

My name is Schaeffer Cox. I am requesting the following documents persuant to the FOIA/ Privacy Act. I do not wish to reduce the scope of the request. I agree to pay all costs. A cerificate of identiy is attached. Please provide the requested documents within 20 days as required.

Please provide:

Any and all documents bearing my name, making reference to me, or that are in any way crossreferenced to me.

For the purpose of this request, please search all variations of my name including: Francis August Schaeffer Cox, F. A. Schaeffer Cox, Francis Cox, Francis S. Cox, Schaeffer Cox, F. Schaeffer Cox, etc.

Thank You,

Schaeffer Cox

I already sent you a certificate of identity the 1st time. But here's another one.

— Cox
3-21-17

FOIA

Executor-Francis-August-Schaeffer-Cox.
as One-of-We-the-People
Heir/Beneficiary - Creator/Settler
as the united-States-of-America
Employer

Certified Mail #

7013 2630 0000 0956 1627

7013 2630 0000 0956 1627

To: U.S. Department of Justice
Executive Office for United States Attorneys
Freedom of Information & Privacy Staff
600 E Street, N.W.
Suite 7300, Bicentennial Building
Washington, DC 20530-0001

Re: Continental Congress 2009

FREEDOM OF INFORMATION ACT/PRIVACY ACT
5 U.S.C. §552 / 5 U.S.C. §552a

DEPARTMENT OF JUSTICE - AUSA

I declare with the penalty of perjury by and through 28 U.S.C. §1746 that I, the requesting party, am the real party in interest for Criminal Case number **CR11-00022RJB** out of the District of Alaska and am entitled to these documents as a FOIA or Privacy request, am majority of age, competent for testifying, reserving all rights for amending for truth, clarity, and justice.

For the purpose of this inquiry, please note that "Francis August Schaeffer Cox," "F.A. Schaeffer Cox," "Francis S. Cox," and "Schaeffer Cox" all refer to the same guy, Schaeffer Cox.

In accordance with law as codified in Title 5 U.S.C. §552(a)(6)(A)(i) this response should be sent within twenty (20) working days.

In accordance with Title 5 U.S.C. §552(a)(4)(i)(I)-(III) the fees for producing the requested documents shall be reasonable standard charges for document duplication and advance payment shall not be required in accordance with Title 5 U.S.C. §552(a)(4)(A)(v).

If any document(s) of this request are denied, provide each specific exemption that justifies your refusal to release the information and provide me with the appeal procedures available under law (including redactions).

If the document(s) requested is(are) now identified by a different designation, title, heading, etc. consider this request as if it has been requested under its new designation, title, heading, etc.

These requested document(s) have an intended use for an Administrative, Security, or Judicial proceeding and therefore I am requiring of you certification of the record by and through Form 2866 (Certificate of Official Record) or if the document(s) do not exist, a Form 3050 (Certificate of Lack of Record).

I am seeking an accounting of all money spent by law enforcement investigations surrounding an event held in November of 2009 called "Continental Congress 2009" at Pheasant Run Resort in Illinois, and what information was collected specifically concerning Schaeffer Cox of Alaska.

I am legally entitled to this information as I am the defendant in case CR11-00022RJB and this is a material exculpatory matter under Brady v. Maryland, 373 US 83, 83 SCt (1963), having previously been determined by the Supreme Court to affect matters of public interest in fair trials that outweigh any privacy interest of individuals or agencies.

Dated: August 18th 2015

Respectfully submitted,

Respond to: FRANCIS COX, 16179-006
P.O. Box 1000
MARION, IL 62959

By: ______________________________
Executor-Francis-August-Schaeffer-Cox

Executor-Francis-August-Schaeffer-Cox.
as One-of-We-the-People
Heir/Beneficiary - Creator/Settler
as the united-States-of-America
Employer

FOIA

certified Mail # FOIA-2016-00171

7013 2630 0000 0956 8091

7013 2630 0000 0956 8091

To: U.S. Department of Justice
Executive Office for United States Attorneys
Freedom of Information & Privacy Staff
600 E Street, N.W.
Suite 7300, Bicentennial Building
Washington, DC 20530-0001

Re: USAO Alaska 2-19-11 302 report

FREEDOM OF INFORMATION ACT/PRIVACY ACT
5 U.S.C. §552 / 5 U.S.C. §552a

DEPARTMENT OF JUSTICE - AUSA

I declare with the penalty of perjury by and through 28 U.S.C. §1746 that I, the requesting party, am the real party in interest for Criminal Case number **CR11-00022RJB** out of the District of Alaska and am entitled to these documents as a FOIA or Privacy request; am majority of age, competent for testifying, reserving all rights for amending for truth, clarity, and justice.

For the purpose of this inquiry, please note that "Francis August Schaeffer Cox," "F.A. Schaeffer Cox," "Francis S. Cox," and "Schaeffer Cox" all refer to the same guy, Schaeffer Cox.

In accordance with law as codified in Title 5 U.S.C. §552(a)(6)(A)(i) this response should be sent within twenty (20) working days.

In accordance with Title 5 U.S.C. §552(a)(4)(i)(I)-(III) the fees for producing the requested documents shall be reasonable standard charges for document duplication and advance payment shall not be required in accordance with Title 5 U.S.C. §552(a)(4)(A)(v).

If any document(s) of this request are denied, provide each specific exemption that justifies your refusal to release the information and provide me with the appeal procedures available under law (including redactions).

If the document(s) requested is(are) now identified by a different designation, title, heading, etc. consider this request as if it has been requested under its new designation, title, heading, etc.

These requested document(s) have an intended use for an Administrative, Security, or Judicial proceeding and therefore I am requiring of you certification of the record by and through Form 2866 (Certificate of Official Record) or if the document(s) do not exist, a Form 3050 (Certificate of Lack of Record).

I am requesting any 302 reports which relate to the events of 2-19-11, specifically any prepared by FBI S/A Rick Southerland concerning Schaeffer Cox.

Dated: August 12th 2015

Respectfully submitted,

Respond to: FRANCIS COX, 16179-006
P.O. Box 1000
MARION, IL 62959

By: ______________________
Executor-Francis-August-Schaeffer-Cox

PS: I am the real party in interest for case number CR11-00022RJB and therefore entitled to this information as a matter of right pursuant to Brady v. Maryland, 373 US 83, 83 S.Ct 1194 (1963), Kyles v. Whitley, 514 US 419 (1995), and Giglio v. United States, 405 US 105, 31 L.Ed.2d 104, 92 S.Ct 763 (1972). I am NOT requesting private or personal information beyond that which I am legally entitled to.

A Yes.
Q That was there?
A I remember that specifically being part of the paragraph where I mentioned that he's a convicted felon.
Q So Magistrate Judge Oravec had the prior felony, yes?
A Yes.
Q The state felony?
THE COURT: I'm sorry.
Q Magistrate Judge Oravec had in the affidavit of the search warrant the prior felony, yes?
A Yes.
Q The pending state charges.
A Yes.
Q And that the source was going to be paid sometime in the future.
A Correct.
Q Okay. In the affidavit as well, you made reference to recordings, did you not?
A Yes, I did.
Q Tell the judge about that.
A Well, throughout the -- throughout the course of the -- the affidavit, I was specifically referring to consensual monitored meetings that were occurring between J.R. Olson and the defendants. As a part of that process, what we do is, after a consensual monitored meeting is done, the handling

Where are FD-1023s for Feb 19th 2011 ?

agent or others will debrief the confidential human source and -- and write up what I had referred to as an FD-1023, which is a report of the source's recollection of the meeting. That recollection of the meeting then is reviewed against the tape that was made with -- with confidential human sources and the subjects, and that specifically is done in order to corroborate what the source is telling you before a tape is even listened to.
Q Okay. With respect to the prior record of Mr. Olson --
A Yes.
Q -- you received that information from Agent Sutherland.
A Correct.
Q And he's not the affiant, is he?
A No, he's not.
Q Or the affiant.
A No.
Q Okay.
MR. SKROCKI: That's all I have. Thank you.

REDIRECT EXAMINATION

BY MR. DOOLEY:
Q You were testifying about the procedure that is supposed to happen by which a case agent handling the informant would do a 302 or a 1225-28 or something.
A An FD-1023.
Q FD-1023 in his debriefing of the agent [sic], correct?

U.S. Department of Justice
Executive Office for United States Attorneys
Freedom of Information & Privacy Staff
600 E Street, N.W.
Suite 7300, Bicentennial Building
Washington, DC 20530-0001
(202) 252-6020 FAX: 252-6047 (www.usdoj.gov/usao)

September 23, 2015

Francis Cox
#16179-006
P.O. BOX 1000
Marion, Illinois 62959

Re: Request Number: FOIA-2015-03858
Subject of Request: Schaeffer Cox/Specific Records-USAO Alaska

Dear Mr. Cox:

Your recent request for records from the Executive Office for United States Attorneys (EOUSA) has been received. Before the Executive Office can begin processing your request, it is necessary for you to correct one or more deficiencies. Please comply with the paragraph(s) checked below:

1. [x] A requester must provide a notarized example of his/her signature or a certification of identity under penalty of perjury. This insures that information pertaining to an individual is released only to that person. A form is enclosed for your use.

2. [ ] The files and records of United States Attorneys are maintained in over one hundred separate offices throughout the United States. Please identify the specific United States Attorney's office(s) where you believe records may be located. This would be primarily the district(s) in which a prosecution or litigation occurred.

3. [ ] To insure that records are properly identified, provide subject's full name, current address, and date and place of birth.

4. [ ] A request must describe the records sought in sufficient detail to allow location of the records with a reasonable amount of effort (i.e., processing the request should not require an unduly burdensome effort or be disruptive of Department operations). Please provide more specific information about the records you seek, such as appropriate dates, locations, names, nature of the records, etc.

5. [ ] Please note that your original letter was split into separate files ("requests"), for processing purposes, based on the nature of what you sought. Each file was given a separate Request Number (listed below), for which you will receive a separate response:

By making a FOIA/PA request, you agree to pay fees up to $25, as stated in 28 C.F.R. § 16.3(c), unless you request a waiver of fees (according to requirements in 28 C.F.R. § 16.11(k)). Indigency does not constitute a basis for a fee waiver. Please note that pursuant to 28 C.F.R. §

16.11, we are required to charge fees for time used to search for the documents you have requested and for duplication of all pages released to you. Normally, search time is charged at a rate of $28 per hour after the first two hours which are free, and duplication fees are $0.10 per page after the first 100 pages which are free. Please do not send any payment at this time! If we anticipate that fees will exceed $25 or the amount you state in your letter (if greater than $25), we will normally notify you of our estimate of fees. After we have received your agreement to pay for the expected fees (or you have narrowed your request to reduce fees) and we have processed your request, we will require payment for the accumulated charges before we release any documents to you (in excess of 100 free pages). Without such payment, your request file will be closed without further action.

Once you have corrected the above deficiencies, please submit a new request for the documents. This is a final determination and your request for information has been closed. When we have received your new, corrected request, we will open a new file for you. **Please send your new, corrected request to the address above.**

This is the final action on this above-numbered request. You may appeal this decision on this request by writing to the **Office of Information Policy, United States Department of Justice, 1425 New York Avenue, Suite 11050, Washington, D.C. 20530-0001.** Both the letter and envelope should be marked "FOIA Appeal." Your appeal must be received by OIP within 60 days from the date of this letter. If you are dissatisfied with the results of any such administrative appeal, judicial review may thereafter be available in U.S. District Court, 28 CFR § 16.9.

Sincerely,

Susan B. Gerson
Assistant Director

[ ] Enclosure(s)

FRANCIS COX
16179-006
USP Marion
PO Box 1000
MARION, IL 62959

U.S. Department of Justice
Executive Office for United States Attorneys
Freedom of Information & Privacy Staff
600 E Street, N.W.
Suite 7300, Bicentennial Building
Washington, DC 20530-0001

FOIA-~~2015~~ 2016-00171 (New)

RE: Request Number: FOIA-2015-03858 (old)
Subject of Request: "Schaeffer Cox/specific Records-USAO Alaska" (February 19th 302 Report on Cox)

Dear Sirs:

This FOIA request is being resubmitted along with the "Certification of Identity" form your office supplied. However, it should be noted that the original FOIA request did contain such a certification.

If the request was returned under pretext of deficiency for dilatory reasons, please do not count such wasted time against any deadlines.

Respectfully submitted,

By: [signature]
Executor-Francis-August-Schaeffer-Cox
10-6-15

On Oct 7th 2015,

I sent this back with ONLY the certification of identity and a number referencing the original FOIA-2015-03858. Did not re-copy and re-send anything else.

U.S. Department of Justice
Executive Office for United States Attorneys
Freedom of Information & Privacy Staff
600 E Street, N.W.
Suite 7300, Bicentennial Building
Washington, DC 20530-0001
(202) 252-6020 FAX: 252-6047 (www.usdoj.gov/usao)

October 29, 2015

Francis Cox
#16179-006
P.O. BOX 1000
Marion, Illinois 62959

Re: Request Number: FOIA-2016-00171
Date of Receipt: October 22, 2015
Subject of Request: Self (Cox) Specific Records-USAO Alaska

Dear Mr. Cox:

The purpose of this letter is to acknowledge receipt of your Freedom of Information Act/Privacy Act request dated **October 6, 2015** and received in the Executive Office for United States Attorneys (EOUSA) on October 22, 2015. You requested records concerning Self(Cox) Specific Records-USAO Alaska

. Your request has been assigned Tracking Number FOIA-2016-00171.

For your information, EOUSA assigns incoming requests to one of three tracks: simple, complex, or expedited. Each request is then handled on a first-in, first-out basis in relation to other requests in the same track. As an estimate, the likely median response time for simple requests is approximately 30 business days, whereas complex requests necessarily take longer. At this time, your request has been assigned to the Complex track.

Please be advised that there may be certain costs associated with processing your request. Consequently, you may be responsible for paying those costs, unless you have requested and been granted a waiver or reduction in fees. In most instances, the first 100 pages to duplicate and the first two hours to search for records responsive to your request, will be provided to you free of charge. Thereafter, search and review fees by professional personnel are charged at $40 per hour and duplication fees are assessed at five cents per page.

Requests that are specific, concrete and of limited scope (in time and/or subject matter) generally enable us to respond to you more quickly and possibly assess less fees. You may decide to limit or reduce the estimated fees, or obtain a quicker response, by modifying your request in one or more ways specified in the attachment to this letter. If after making those allowances we determine that the cost to process your request will amount to more than $25.00, we will notify you in writing at a later date.

If you have any questions regarding any aspect of your case, you may contact EOUSA by telephone or in writing using the contact information listed above. Please refer to your assigned tracking number, should you contact EOUSA seeking information about your request.

Sincerely,

Susan B. Gerson
Assistant Director

Attachment

Form No. 001 - 6/12

THIS IS NOT A BILL. DO NOT SEND MONEY

Francis Cox FOIA-2016-00171 (Feb 19th 2011 "FBI 302" USAO - ALASKA

CHOOSE ONE

____ Please do not search any longer. I understand that I am entitled to the first 100 pages free. Please do not search beyond two hours, nor duplicate beyond 100 pages.

____ I wish to withdraw my request.

____ I wish to modify my request in an attempt to reduce fees or to obtain a quicker response, as follows:

____

____

____

____

____

✓ I agree to pay up to the following amount for search time: $ 250.00

I understand that this payment is required even if no documents are located or released to me. In the event that documents are located and released to me, I understand that I may be charged duplication fees in addition to search fees. This is a 1 page document I've requested. It's an FBI 302 from a specific day, February 19th 2011. I gave you the author of the 302 and the subject of the 302. Now you're assigned it to the "complex" track. You're not just giving me a "run-around," are you?

______________________________ Signature

______________________ Date 10-3-15

– COX

Please return to:

EOUSA
FOIA/PA
600 E Street, N.W., Room 7300
Washington, DC 20530

IV. STATEMENT OF CLAIM

A. State here, as briefly as possible, when, where, how, and by whom you feel your constitutional rights were violated. Do not include legal arguments of citations. If you wish to present legal arguments or citations, file a separate memorandum of law. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. If your claims relate to prison disciplinary proceedings, attach copies of the disciplinary charges and any disciplinary hearing summary as exhibits. You should also attach any relevant, supporting documentation.

This is a suit brought pursuant to the Freedom of Information, and, Privacy Acts, 5 USC §552-552a, for failure to timely respond, or, to adequately respond, to the following FOIAPA requests:

COUNT ONE: The Federal Bureau of Investigation ("FBI") has failed to timely respond to a request made by Cox February 15, 2017, for all records in its possession regarding himself. On March 8, 2017, the FBI did send a response acknowledging the request. However, the FBI failed to respond within the statutory 20 days. 5 USC §552(a), (b)(A)(i). As the FBI did not timely respond, Cox now moves the Court to order said response.

COUNT TWO: The Bureau of Alcohol, Tobacco, and, Firearms, ("BATF"), has similarly failed to timely respond to a request made by Cox February 15, 2017, for all records in its possession regarding himself. Though Cox did send a certification of identity form with his request, on March 15, 2017, he received a letter asking him to return such a certification. The form was returned March 21, 2017, but, no timely response has been made. As the BATF did not timely respond, Cox now moves the Court to order said response.

COUNT THREE: The Executive Office of US Attorneys ("EOUSA") has failed to timely respond to two FOIA requests:

(a) On August 12, 2015, Cox made request for an FD-1023 form memorializing a February 19, 2011, meeting conducted with Cox by a federal confidential informant ("CI"), J.R. Olson, and, reflected in testimony given by Special Agent ("SA") Westerhouse. Though a certification of identity was mailed with the request, on September 23, 2015, Cox received a letter requesting that said form be returned. On October 7, 2015, Cox remade the request, and, included a second certification of identity. On October 29, 2015, the EOUSA acknowledged receipt of the request. No further response has been received.

(b) On August 18, 2015, Cox made a request for an accout of all monies spent on a law enforcement investigation related to the November 2009 "Continental Congress 2009", held at the Pheasant Run Resort in Illinois. No response was received.

As neither request was responded to in a timely manner, Cox now moves the Court to order said response.

V. REQUEST FOR RELIEF

State exactly what you want this court to do for you. If you are a state or federal prisoner and seek relief which affects the fact or duration of your imprisonment (for example: illegal detention, restoration of good time, expungement of records, or parole), you must file your claim on a habeas corpus form, pursuant to 28 U.S.C. §§ 2241, 2254, or 2255. Copies of these forms are available from the clerk's office.

Cox asks the Court to order the response of all requested records, and, to grant him the fees and costs of this action, as well as other relief as the Court sees fit.

VI. JURY DEMAND (*check one box below*)

The plaintiff ☐ does ☒ does not request a trial by jury.

DECLARATION UNDER FEDERAL RULE OF CIVIL PROCEDURE 11

I certify to the best of my knowledge, information, and belief, that this complaint is in full compliance with Rule 11(a) and 11(b) of the Federal Rules of Civil Procedure. The undersigned also recognizes that failure to comply with Rule 11 may result in sanctions.

Signed on: June 1st, 2017
(date)

[signature]
Signature of Plaintiff

USP-Marion PO Box 1000
Street Address

Francis Schaeffer Cox
Printed Name

Marion, Illinois 62959
City, State, Zip

16179-006
Prisoner Register Number

Signature of Attorney (if any)

Francis Schaeffer Cox
16179-006
US Penitentiary
PO Box 1000
Marion, IL 62959

PURPLE HEART
FOREVER USA
2014

JUN 07 2017
62959

⇔16179-006⇔
District Court
Clerk of Court
301 W MAIN ST
Benton, IL 62812
United States

Houston v. Lack
June 1st, 2017

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JUN 0 9 2017
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS
BENTON OFFICE